

Message Text

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22

ACTION EB-07

INFO OCT-01 EA-09 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 NSC-05 /052 W

----- 054755

R 090938Z MAR 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2842

UNCLAS MANILA 3358

E.O. 11652: N/A

TAGS: EAIR, RP

SUBJ: CIVAIR GOP DECREES ON AIRLINE DISCRIMINATION

REF: STATE 055421 AND MANILA 2929

FOLLOWING IS TEXT OF PRESIDENTIAL DECREE NO 895. QUOTE.
AUTHORIZING THE CIVIL AERONAUTICS ADMINISTRATION TO
IMPOSE RETALIATORY OR COMPENSATING FEES, RENTALS AND
CHARGES ON FOREIGN AIRLINES.

WHEREAS, THE PHILIPPINE FLAG CARRIER PERFORMS INTERNATIONAL
AIR TRANSPORTATION SERVICES WHICH ARE OF VITAL IMPORTANCE
TO THE FOREIGN COMMERCE, TRADE AND TOURISM INTERESTS
OF THE PHILIPPINES, INCLUDING ITS BALANCE OF PAYMENTS
AND FOREIGN EXCHANGE RESERVES, THE POSTAL SERVICE AND
NATIONAL SECURITY AND DEFENSE;

WHEREAS, IT IS FOUND THAT THE PHILIPPINE FLAG
CARRIER'S ABILITY TO COMPETE WITH FOREIGN AIR CARRIERS
IS CURRENTLY BEING WEAKENED BY A VARIETY OF DISCRIMINATORY
AND UNFAIR COMPETITIVE PRACTICES ADOPTED AND IMPLEMENTED
BY FOREIGN COUNTRIES, SUCH AS, THE DISCRIMINATORY METHOD
OF IMPOSING CERTAIN AIRPORT CHARGES, AND THE IMPOSITION
OF EXHORBITANT FEES, RENTALS AND CHARGES WHICH ARE
UNRELATED TO THE COST OF PROVIDING THE PARTICULAR
SERVICE OR FACILITY;

WHEREAS, IT IS ALSO FOUND THAT IN MOST COUNTRIES OF THE
WORLD, OR GIVE PREFERENCE TO THE USE OF NATIONAL FLAG
CARRIERS FOR OFFICIAL GOVERNMENT INTERNATIONAL AIR
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TRANSPORTATION AND FOR AIR TRANSPORTATION REQUIRED BY

ORGANIZATIONS, INSTITUTIONS OR CORPORATIONS OWNER OR CONTROLLED BY THE GOVERNMENT, IN ORDER TO CONSERVE AND SAVE FOREIGN EXCHANGE AND IMPROVE THE BALANCE OF PAYMENTS;

NOW; THEREFORE, I, FERDINAND E. MARCOS, PRESIDENT OF THE PHILIPPINES, BY VIRTUE OF THE POWERS IN ME VESTED BY THE CONSTITUTION DO HEREBY ORDER AND DECREE AS FOLLOWS:

SECTION 1. THE CIVIL AERONAUTICS ADMINISTRATION IS HEREBY AUTHORIZED AND EMPOWERED TO DETERMINE AND IMPOSE RETALIATORY OR COMPENSATING CHARGES, FEES AND RENTALS ON FOREIGN AIRLINES WHOSE COUNTRIES IMPOSE EXCESSIVE OR DISCRIMINATORY CHARGES, FEES AND RENTALS UPON THE PHILIPPINE AIR CARRIERS, EQUAL TO THE AMOUNT OF THE EXCESSIVE, OR DISCRIMINATORY CHARGES, FEES AND RENTALS IMPOSED, DIRECTLY OR INDIRECTLY, BY SUCH FOREIGN COUNTRIES ON THE PHILIPPINE AIR CARRIERS. SUCH CHARGES, FEES AND RENTALS SHALL BE DEEMED EXCESSIVE OR DISCRIMINATORY WHEN THEY UNREASONABLY EXCEED COMPARABLE CHARGES, FEES AND RENTALS IN THE PHILIPPINES.

THE AMOUNTS COLLECTED BY THE CIVIL AERONAUTICS ADMINISTRATION FROM SUCH RETALIATORY OR COMPENSATORY CHARGES, FEES AND RENTALS SHALL ACCREE TO A REVOLVING FUND FROM WHICH PAYMENTS SHALL BE MADE TO THE PHILIPPINE AIR CARRIERS AFFECTED IN SUCH AMOUNTS AS WOULD ADEQUATELY COMPENSATE SUCH CARRIERS FOR THE EXCESSIVE OR DISCRIMINATORY CHARGES, FEES AND RENTALS PAID TO THE FOREIGN COUNTRIES INVOLVED, AND THE BALANCE OF THE FUND, IF ANY, SHALL BE UTILIZED BY THE CIVIL AERONAUTICS ADMINISTRATION FOR THE CONSTRUCTION, REPAIR, MAINTENANCE AND IMPROVEMENT OF THE MANILA INTERNATIONAL AIRPORT AND OTHER AIRPORTS AND THEIR RELATED FACILITIES AND FOR NO OTHER PURPOSE.

SECTION 2. THE CIVIL AERONAUTICS ADMINISTRATION AND THE CIVIL AERONAUTICS BOARD ARE HEREBY REQUIRED TO SURVEY THE AIR PRACTICES, POLICIES AND REQUIREMENTS TO ADOPTED AND IMPLEMENTED BY FOREIGN COUNTRIES IN ORDER TO DETERMINE WHETHER THEY ARE DISCRIMINATORY OR UNREASONABLE IN SO FAR AS THEY AFFECT THE PHILIPPINE AIR CARRIERS, ONCE THE DETERMINATION IS MADE THAT ANY PRACTICE, POLICY OR REQUIREMENT IMPOSED BY ANY FOREIGN COUNTRY UPON ANY PHILIPPINE AIR CARRIER IS DISCRIMINATORY OR UNCLASSIFIED

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UNREASONABLE, THE CIVIL AERONAUTICS ADMINISTRATION AND THE CIVIL AERONAUTICS BOARD ARE HERE AUTHORIZED AND EMPOWERED TO ADOPT AND IMPLEMENT SUCH MEASURES, RULES AND REGULATIONS OR PRACTICE WITHIN THEIR RESPECTIVE COMPETENCE AND JURISDICTION AS WOULD COMPENSATE THE PHILIPPINE AIR CARRIER AFFECTED OR PLACE SUCH CARRIER IN A MORE COMPETITIVE POSITION IN THE INTERNATIONAL AIR TRANSPORTATION SYSTEM.

SECTION 3. ALL LAWS, DECREES, ORDERS, RULES AND
REGULATIONS OR PART THEREOF INCONSISTENT WITH THIS
DECREE ARE HEREBY REPEALED OR MODIFIED ACCORDINGLY.
SECTION 4. THIS DECREE SHALL TAKE EFFECT IMMEDIATELY.
DONE IN THE CITY OF MANILA, THIS 26TH DAY OF FEBRUARY,
IN THE YEAR OF OUR LORD, NINETEEN HUNDRED AND SEVENTY-
SIX. UNQUOTE.
SULLIVAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, LAW, TEXT, AIRLINES, STEAMSHIP LINES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANILA03358
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760088-0978
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760380/aaaacsux.tel
Line Count: 123
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 55421
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 30 AUG 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 AUG 2004 by meiwc>; APPROVED <08 DEC 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR GOP DECREES ON AIRLINE DISCRIMINATION
TAGS: EAIR, EWWT, RP
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006